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C O N F I D E N T I A L SECTION 01 OF 02 DJIBOUTI 000669

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SUBJECT: JUSTICE MINISTER SEEKS USG ASSISTANCE FOR  
INFRASTRUCTURE REHABILITATION

Classified By: Ambassador Marguerita D. Ragsdale.  
Reasons 1.4 (B) and (D).

1. (C) Ambassador and Pol/Econ met 5 July with Minister of Justice, Mohamed Barkat Abdillahi, and Secretary General at the Ministry of Justice, Abdi Ismail Hersi, at their request, to be briefed on changes being implemented at the Ministry since Abdillahi assumed charge in May. Abdillahi said the Ministry has plans for much needed renovation and development of judicial buildings and infrastructure. At the top of the list was complete overhaul of the Palais de la Justice and the Ministry's office building, and the construction of a new prison. In addition, Abdillahi said, all judicial affairs are currently carried out in Djibouti City. None of the districts had suitable structures in which to hold court hearings or detain prisoners, creating an untenable situation whereby all decisions were obliged to be made in Djibouti city. He commented that the Ministry is considering establishing a "mobile court," which would allow magistrates and lawyers to travel to the districts and hear cases at District Commissioners' offices.

2. (C) Abdillahi noted the urgent need of Djibouti to bring justice to the doorsteps of its citizens. He said the Ministry has been "knocking on doors" to seek funding from bilateral partners. He asked whether the U.S. might be able to help in this regard.

3. (C) Ambassador acknowledged that Djibouti's physical infrastructure supporting the judicial system was in need of improvement. She added, however, that it is also important to focus on developing judicial personnel, laws and systemic infrastructure. She offered the view that in Djibouti, for example, judges lack access to legal libraries and may not be aware of decisions that have been rendered in similar cases with similar facts. Often, justice on paper is not necessarily the justice witnessed by ordinary Djiboutians. Abdillahi opined that the absence of libraries and the lack of legal documentation of prior cases can be deemed "excuses" by judges for their own failures to apply law strictly. A good judge, he continued, would have these resources. While not offering how that might be possible, Abdillahi conceded that when the Palais de la Justice is finally renovated, perhaps a legal library could be built with access for all judges and magistrates. He reiterated that it was the responsibility of judges to apply laws strictly, but there also must be an institution to enforce it.

4. (C) Still, Abdillahi preferred to blame these problems on physical infrastructure, which, he said, should be his Ministry's main priority. He used the example of the current prison's inadequate infirmary to illustrate the problems the Ministry faces. The prison's infirmary cannot adequately serve prisoners currently incarcerated because it lacks capacity to provide qualified doctors, medicines or facilities. Ambassador suggested that this be brought to the attention of the Ministry of Health to see if that need could be worked into current assistance programs for improvement of Djibouti's health delivery system.

5. (C) Abdillahi stated that his Ministry had benefited in several years past from assistance from the U.S. Embassy. Specifically, in 2002 and 2004, Embassy Djibouti's Democracy and Human Rights Fund served projects on human rights improvement. He said the Ministry would like very much to receive this kind of assistance again, but admitted that it erred in not submitting proposals for the current fiscal year. Pol/Econ offered to send to the Minister guidelines and information on proposal submission for DHRF. Ambassador encouraged Abdillahi to submit a proposal to the embassy in the realm of judicial reform. She asked if the Minister was aware of good governance reform efforts underway via a presidential committee and if the committee were linked in any way to the Justice ministry. Abdillahi indicated vague awareness, but said there was no link in this activity to his ministry.

6. (C) Comment: Djibouti needs to move its judicial reform efforts along three tracks simultaneously: physical rehabilitation of its appalling judicial buildings, courts

and prison; reform of judicial laws to deliver transparent justice to all; and professional development of personnel who service the judicial system. There may be resources at our disposal to help Djibouti tackle all of these in some measure, along with other donor partners. We will need to determine priorities and will work closely with USAID to discuss possibilities under existing or anticipated assistance programs. End comment.  
RAGSDALE